

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, U-3060, U-4135 and U-4314, and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers.

Investigation 02-06-003
(Filed June 6, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION FOR OFFICIAL NOTICE OF SEPTEMBER 28, 2001
LETTER FROM CPUC TO CINGULAR WIRELESS**

On October 24, 2003, the Commission's Consumer Protection & Safety Division (CPSD) filed a "Motion ... For Official Notice of September 28, 2001 Letter from CPUC to Cingular." The letter, attached to the motion as Appendix A, is addressed to Cathy Jo Farey, Manager of Regulatory Affairs for Cingular Wireless (Cingular) and executed by Richard Clark, Director of Consumer Services Division (the predecessor of CPSD) and Ira Alderson, then an Assistant General Counsel of the Commission. CPSD's motion is unopposed.

CPSD argues that the Commission may take official notice of the letter under Rule 73 of the Commission's Rules of Practice and Procedure. CPSD also notes that the Order Instituting Investigation, which opened this proceeding, refers to the letter and that certain evidence refers to the letter, as do several

briefs and Cingular's appeal of the presiding officer's decision. Considering these circumstances, I will grant the motion.

IT IS RULED that the unopposed, October 24, 2003 *Motion of Consumer Protection & Safety Division for Official Notice of September 28, 2001 Letter from CPUC to Cingular* is granted.

Dated December 2, 2003, at San Francisco, California.

/s/ JEAN VIETH

Jean Vieth
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion for Official Notice of September 28, 2001 Letter From CPUC to Cingular Wireless on all parties of record in this proceeding or their attorneys of record.

Dated December 2, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.